



Attorney Docket No. P0813.70016US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick S. M. Herz et al.
Serial No: 09/699,098
Confirmation No. 7141
Filed: October 27, 2000
For: SECURE DATA INTERCHANGE

Examiner: H. Mahmoudi
Art Unit: 2165

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08)(13 pages). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the following applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
08/551198	10/31/1995	SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS
09/024278	2/17/1998	BROADCAST DATA DISTRIBUTION SYSTEM WITH ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS
09/120611 (Abandoned)	7/22/1998	BROADCAST DATA DISTRIBUTION SYSTEM WITH ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS
09/437102 (Abandoned)	11/9/1999	SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER PROFILES
09/960046	10/16/2000	SYSTEM FOR COLLECTING, ANALYZING, AND TRANSMITTING INFORMATION RELEVANT TO TRANSPORTATION NETWORKS
09/779155	2/8/2001	SYSTEM FOR COLLECTING AND PROCESSING ACTUARIAL INFORMATION
09/842477	4/25/2001	METHOD OF COMBINING SHARED BUFFERS OF CONTINUOUS DIGITAL MEDIA DATA WITH MEDIA DELIVERY SCHEDULING
10/262123	10/1/2002	SYSTEM FOR AUTOMATIC DETERMINATION OF CUSTOMIZED PRICES AND PROMOTIONS
10/369057	2/17/2003	LOCATION ENHANCED INFORMATION DELIVERY SYSTEM
11/133759	5/20/2005	SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER PROFILES
11/133766	5/20/2005	SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER PROFILES
11/726,693	3/22/2007	METHOD OF COMBINING SHARED BUFFERS OF CONTINUOUS DIGITAL MEDIA DATA WITH MEDIA DELIVERY SCHEDULING

The above-identified applications may include technically-related subject matter, and/or claims that are "similar" (in a lay sense) or overlap in some way to those of this application. The Examiner is requested to review the entire file histories of these applications, including cited

1326816.1

references, Office Actions, Responses, etc. The Examiner is asked to contact the undersigned if the Examiner would like the Applicant to supply copies of any or all of the information included in any of these applications. For any of these applications, if the undersigned is not contacted by the Examiner with such a request, then the undersigned will assume that the Examiner has reviewed or will review the file content of the applications. **The identification of the above-identified applications is not a waiver of secrecy for any of the applications.**

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless previously submitted or otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

Some of the items listed on the form PTO-1449 which accompany this statement relate to certain litigation between the assignee, Pinpoint, Inc., and Amazon.com, and may have involved related patents. There were two litigations, the docket sheets for which are provided herewith, fully identifying those cases. Applicant has listed and provided copies of selected papers from those cases, including claim construction arguments and decisions. Applicant has tried to include any possibly material information but the record is voluminous and the undersigned was not involved in the litigation, and some paper might have been overlooked the Examiner would find relevant. So the Examiner is requested to review the docket and obtain or request any paper the examiner wishes to inspect and which is not furnished herewith. (Some papers are maintained under seal pursuant to a protective order, however, and cannot be made available.)

On the form PTO-1449, certain items are "grayed out" and/or marked with an asterisk to indicate that a copy is not enclosed at this time. Applicants' representatives are working to obtain copies of these items and will submit them as they become available.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: _____

Robert A. Jensen
Registration No.: 61,146
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. P0813.70010US02
Date: February 15, 2008